

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JUNE 24, 2002 AT 2:00 P.M.
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**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JUNE 24, 2002 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Environmental Services Refuse and Recycling Collection Drivers Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1775)

Recognizing the exemplary efforts of refuse and recycling collection drivers;

Proclaiming June 24, 2002 to be "Environmental Services Refuse and Recycling Collection Drivers Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-31: Jung-Ho Pak Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1705)

Proclaiming June 24, 2002, as "Jung-Ho Pak Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Partners in Play Day

COUNCILMEMBER MAIENSCHEN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1750)

Proclaiming June 24, 2002 to be "Partners in Play Day" and also commending Pepsi Bottling Group, Ralphs, and the Park and Recreational Department for partnering and supporting San Diego youth participating in sports and recreational programming.

SUPPORTING INFORMATION:

Pepsi Bottling Group and Ralphs have partnered to donate a portion of the revenues of each Aquafina sold from June 24, 2002 to August 3, 2002 at participating Ralphs. The funding from this public-private partnership will be used to enhance park sports facilities, and youth recreational programming needs for department-operated programs, such as youth scholarships, trophies, uniforms, and sports equipment. The Park and Recreation Department facilitates year round youth sports and other recreational programming for thousands of children. Pepsi Bottling Group and Ralphs strive to be good community partners within the City of San Diego. The City of San Diego's Park and Recreation Department strives to enrich the lives of residents and visitors of San Diego through quality parks and programs year-round. Therefore, proclaiming June 24, 2002 as "Partners in Play Day" commending Pepsi Bottling Group, Ralphs, and the Park and Recreation Department for partnering and supporting San Diego youth participating in sports and recreational programming.

Balolong-Burley

SPECIAL ORDERS OF BUSINESS

ITEM-33: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

5/06/2002

5/07/2002

5/13/2002

5/14/2002
5/20/2002
5/21/2002

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

* ITEM-50: Illegal Dumping in Fire Squares.

(See memorandum from Councilmember Donna Frye dated 3/26/2002, and
memorandum from Deputy City Attorney Kathryn Lange dated 4/8/2002.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2002-81)

Introduction of an Ordinance amending Chapter 6, Article 3, of the San Diego
Municipal Code by amending Section 63.20.5 relating to Waste, Refuse, and Fires
in City Beach Areas.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 4/10/2002, PS&NS voted 4 to 0 to accept the recommended changes to the San Diego
Municipal Code as proposed in Councilmember Frye's memorandum of 3/26/2002.
(Councilmembers Stevens, Maienschein, Frye, and Inzunza voted yea. Councilmember Atkins
not present.)

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

* ITEM-51: La Mirada Elementary School - Joint Use Agreement and Professional Services.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-151)

Introduction of an Ordinance authorizing the City Manager to execute a Joint Use Agreement with the San Ysidro School District for the joint use, construction and maintenance of turfed multi-purpose fields and other recreational facilities for the La Mirada Elementary School;

Authorizing the City Manager to execute a Consultant Agreement with Nowell & Associates, Landscape Architecture, for Consulting Services for the professional services required to prepare construction documents for a first phase of work and other professional services;

Authorizing the appropriation and expenditure of an amount not to exceed \$55,500 from CIP-29-657.0, La Mirada Elementary School, for the payment of professional services under the Consultant Agreement.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

On 2/27/2001 the Council action authorized the appropriation and expenditure of \$378,000 from State Park Trailer Bill Funds, per Resolution R-294595 to provide for turfing of approximately 3 acres of existing decomposed granite fields to meet the school's and community's athletic and recreational needs.

La Mirada Elementary is located in the Otay Mesa Community Planning Area. This area is currently lacking in athletic fields for the community. Through this Joint Use Agreement, the City will develop turf fields on La Mirada Elementary School land (San Ysidro School District), adjacent to San Ysidro Community Activity Center.

This request is to execute the Agreement between San Ysidro School District and fund the design for a General Development Plan (GDP) and construction documents. The GDP will address the development of athletic fields, relocation of a school garden and play equipment. Subsequent to the GDP, construction documents will be prepared.

The proposed consultant agreement with Nowell and Associates, Landscape Architecture will provide for the professional services required to conduct workshops to gather public input, prepare a GDP, cost estimates for the project, direct the project through the Park and Recreation Department's approval process, prepare construction documents for a first phase of work and provide construction inspection for a first phase of construction.

FISCAL IMPACTS:

Funds in the amount of \$55,500 are available from CIP-29-657.0, La Mirada Elementary School - Joint Use Improvements; State Park Trailer Bill Funds, Fund No. 38116, which currently has \$378,000. The remaining \$322,500 will fund Phase I of the construction. Amenities in Phase I to be determined after completion of the GDP.

Herring/Van Wanseele/JJ

Aud. Cert. 2201181.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

* ITEM-52: Contract Extension with I Love A Clean San Diego.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-152)

Introduction of an Ordinance authorizing the City Manager to execute a one-year extension to the agreement with I Love A Clean San Diego, originally commencing on July 1, 1997, to continue providing public information, education, and school outreach activities;

Authorizing the expenditure of previously appropriated funds in an amount not to exceed \$226,188 from Fund 41210, Dept. 755, Org. 2212, Object Account 4151, Job Order 7404.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

Environmental Services Department (ESD) contracts with ILACSD to provide public information, education and school outreach activities regarding recycling, waste reduction, and energy conservation. A one year contract, with four one-year options to renew, was executed on July 1, 1997. All renewal options have been exercised and the current contract will expire on June 30, 2002. ESD desires to extend the contract for one additional year (through June 30, 2003).

A contract extension is recommended because Assembly Bill 939 requires the City to achieve and maintain a 50% waste diversion rate beginning in 2000 and that a "good faith effort" be demonstrated toward achieving this diversion level. The City's 2000 diversion rate was 48%.

Recent changes in the composition of our municipal wastestream and anticipated increases in waste generation due to economic factors, lead to an immediate need to revise City strategies to achieve and maintain a 50% diversion rate.

Public education and outreach is an important aspect of the City's strategic plan. In order to

ensure that a future contract supports diversion strategies, studies investigating wastestream changes will be completed during the extension year to develop a comprehensive RFP for a five year contract.

Services to be provided by ILACSD during the one year extension will include educational activities throughout City schools, EnviroSchool activities, community outreach, ethnic and multi-family outreach, and community cleanup coordination. Extending the current contract one additional year will provide an opportunity for the City to study, retarget diversion strategies and pilot various education and outreach programs to determine their overall benefit and potential diversion impact. During this time there will also be an enhanced focus on reaching targeted youth, adult and ethnic communities with waste diversion messages.

FISCAL IMPACT:

This action will not impact the General Fund; all funding is provided through the Enterprise Fund. This extension will increase the estimated annual cost of the contract to \$226,188 for FY 2003. This increase is due to modifications to the existing contract and contractual Consumer Price Index (CPI) increases. Funding is contingent upon approval of the FY 2003 budget.

Loveland/Hays/JW

Aud. Cert 2201193.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

*ITEM-100: Two actions related to Advertising and Award for Sewer Main Replacement Group 653.

(See memorandum from Frank Belock, Jr. dated 3/25/2002. Valencia Park Community Area. District-4.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2002-1585)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expenses necessary or incidental for Sewer Replacement Group 653 (Project) on Work Order Number 173461;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder for the Project, provided

that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are or will be on deposit with the City Treasurer;

Authorizing the expenditure of an amount not to exceed \$1,952,529 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, solely and exclusively for the purpose of providing funds for the Project and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are or will be on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller upon advice from the administering department to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02230C)

Subitem-B: (R-2002-1586)

Certifying that Mitigated Negative Declaration LDR No. 41-0889, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and State guidelines (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Sewer Replacement Group 653;

Approving the Mitigated Negative Declaration LDR No. 41-0889;
Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 4/03/2002, NR&C voted 5 - 0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Main Replacement Group 653 is part of the City's ongoing concrete sewer main replacement program. This action involves the replacement of 4,550 linear feet of existing 6-inch concrete sewer mains, and rehabilitation of 760 linear feet of existing 6-inch concrete sewer mains. The sewer mains to be replaced in the project were constructed as early as the 1920's and have reached the end of their useful service life. Replacement of these deteriorated

and undersized sewer mains will continue to provide the community with a safe and reliable sewer infrastructure well into the next century.

FISCAL IMPACT:

The total estimated cost of this project is \$1,952,529. Funds of \$1,952,529 are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project is scheduled to be phase-funded over Fiscal Year 2003.

Loveland/Belock/HR

WWF-02-581.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101: Black Mountain Road Pipelines Design/Build Contract.

(See memorandum from Mark Stone dated 5/09/2002. Mira Mesa, Peñasquitos East Community Areas. Districts-1 and 5.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1785)

Approving Change Order No. 3, dated June 5, 2002, issued in connection with the Black Mountain Road design/build contract between the City and Archer Western Contractors, Ltd., which transfers most of the cost of insuring the project's construction from the City to the contractor and amounts to a net increase in the contract price of \$1,229,436;

Authorizing the City Manager to execute, for and on behalf of the City, an amendment to the agreement of May 22, 2001, with Archer Western Contractors, Ltd., for design/build services in connection with the Black Mountain Road Pipelines;

Authorizing the City Auditor and Comptroller to transfer the amount of \$923,134 as follows: \$467,685.42 within Water Fund No. 41500, from CIP-73-338.0, Water Department Central Facility, to CIP-73-341.0, Black Mountain Road Pipeline; and \$455,448.58 within Water Fund No. 41500, from CIP-73-338.0, Water Department Central Facility, to CIP-70-954.0, North City Reclamation System

(Black Mountain Road Reclaimed Water Pipeline);

Authorizing the expenditure of \$788,987.42, from Water Fund No. 41500, CIP-73-341.0, Black Mountain Road Pipeline and \$455,448.58 from Water Fund No. 41500, CIP-70-954.0, North City Water Reclamation System (Black Mountain Road Reclaimed Water Pipeline), solely and exclusively to provide funds for the above Change Order No. 3 and additional engineering costs, provided that the City Auditor first furnishes one or more certificates certifying that funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4 - 0 to approve. (Councilmembers Peters, Wear, Frye, and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Black Mountain Road Pipelines project consists of a potable (drinking) water pipeline and a reclaimed water pipeline. The potable water pipeline is designed and built as a primary transmission facility and will provide redundancy in the northern region of the City. This pipeline will convey additional locally treated potable water from the Miramar Water Treatment Plant to the communities of Rancho Bernardo, Rancho Peñasquitos, and Del Mar to meet the current and the future demands. The pipeline consists of approximately 31,500 linear feet of 48 and 42 inch pipe along Scripps Ranch Blvd, Mira Mesa Blvd, Westview Pkwy, Black Mountain Rd, Twin Trails Dr, and Carmel Mountain Rd.

The reclaimed water pipeline will convey reclaimed water treated at the North City Water Reclamation Plant to the northern portions of the City. The pipeline will supply Black Mountain Ranch Development, northern region golf courses and parks, and ultimately will connect to Olivenhain Municipal Water District. The pipeline consists of approximately 20,560 linear feet of 36 and 24 inch pipe along Black Mountain Rd., Mira Mesa Blvd., and Westview Pkwy.

The Water Department Owner Controlled Insurance Program (OCIP) carrier, Travelers, cancelled its coverage of the Black Mountain Road Pipelines project on January 26, 2002 as part of restructuring the OCIP program. As a result, the Water Department directed Archer Western Contractors Ltd., the Design-Builder of the project, to provide its own insurance coverage for the remainder of the contract duration.

The cost of this insurance coverage and administrative fees is \$1,229,436. This is accomplished via a Contract Change Order to amend the Design-Build agreement.

This request approves the first amendment to the contract between the City of San Diego and

Archer Western Contractors Ltd. (RR-294873) and authorizes the transfer and expenditure of funds to execute this amendment.

This item was presented to and approved by the Natural Resources and Culture Committee on May 15, 2002.

FISCAL IMPACT:

Total cost of the Black Mountain Road Pipeline (Potable Segment) is \$22,441,739.42, of which \$21,652,752 was previously authorized. Total cost of the Black Mountain Road Pipeline (Reclaimed Segment) is \$11,987,994.69 of which \$11,532,546.11 was previously authorized.

Mendes/Gardner/OK

Aud. Cert. 2201197.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-102: Two actions related to Authorizing Additional Expenditure for Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement.

(See Mark Stone's 5/9/2002 memo. Navajo Community Area. District-7.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-1526)

Authorizing the City Manager to accept the second lowest bid and award a phase funded construction contract to C.E. Wylie Construction Company for the Earl Thomas Reservoir Replacement Project in the amount of \$25,511,000, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute Contract Change Order No. 1, in the amount of \$811,912, which transfers most of the cost of insuring the project from the City's Owner Controlled Insurance Program to C.E. Wylie Construction Company;

Authorizing the additional expenditure of an amount not to exceed \$2,950,895 from Water Fund No. 41500, CIP-73-261.4, Alvarado Water Treatment Plant -

Earl Thomas Reservoir, and \$637,762 from Water Fund No. 41500, CIP-73-331.0, Water Pooled Contingency, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Manager to execute Phase 2 of the agreement with Malcolm Pirnie, Inc. to provide engineering services for the Earl Thomas Reservoir Replacement in the amount of \$215,500;

Authorizing Funding Phase 1 (FY03) in the amount of \$2,916,971 from Water Fund No. 41500, CIP-73-261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir; and \$1,131,912 from Water Fund No. 41500, CIP-73-331.0, Water Pooled Contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department.

Subitem-B: (R-2002-1786 Cor. Copy)

Declaring that the information contained in the EIR and Addendum to LDR-40-0259 (certified by Resolution R-295593, adopted on October 10, 2001), have been reviewed and considered by Council in connection with the Alvarado Water Treatment Plant - Earl Thomas Reservoir Replacement;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4-0 to approve. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Earl Thomas Reservoir Replacement Project is integral to the Alvarado Water Treatment Plant Expansion and Improvement Project as defined in the Water Department's Capital Improvements Program and approved by City Council in August 1997.

The Reservoir Replacement Project consists of demolishing the existing 35 million gallon reservoir and replacing it with a 35 million gallon pre-stressed concrete clearwell. The new clearwell will meet all current structural and seismic criteria, improve the quality of the water produced, and provide the additional long term reliable storage required at Alvarado Water Treatment Plant. Construction is expected to begin in late 2002 and finish in late 2004.

\$27,291,405 is the construction component of the total project cost which, including Contract Change Order No. 1, is now estimated at \$34,356,431.

The City's application for \$21,525,249 from the California Safe Drinking Water State Revolving Fund Loan Program has been approved by the California Department of Health Services (DHS) for this Project. Once authorized by Council and secured by contract with DHS, this money will be available to partially fund the Earl Thomas Reservoir Replacement Project.

This request for Council Action is required to augment the authorized budget to account for increased costs resulting from the verified low bid coming in 13.28% higher than the engineer's estimate, and the restructuring of the City's Owner Controlled Insurance Program (OCIP) which resulted in the need to process Contract Change Order No. 1 for \$811,912.

The first apparent low bidder (Nielsen Dillingham Builders Inc. at \$25,358,732) was rejected by the City, on the recommendation of EOC, because they did not meet the bidding specifications. The next lowest bidder (C.W. Wylie Construction Co. at \$25,511,000) has been verified by the City as acceptable for the award.

FISCAL IMPACT:

The total cost of this project is \$34,354,488 of which \$30,765,831 was previously authorized. Funding for Phase I is available in FY2003, from Water Fund 41500, CIP-73- 261.4, Alvarado Water Treatment Plant - Earl Thomas Reservoir.

Mendes/Gardner/JOP

Aud. Certs. 2300004, 2300006, 2300007.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-103: Environmental Monitoring and Technical Services (EM&TS) Laboratory Design Services, Amendment No. 2.

(See memorandum from Scott Tulloch dated May 8, 2002. Peninsula Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1693)

Authorizing the City Manager to execute Amendment No. 2 to the existing Agreement between the City of San Diego and Hellmuth, Obata & Kassabaum for the design of a new Environmental Monitoring and Technical Services Laboratory for an amount not to exceed \$357,000;

Authorizing the expenditure of an amount not to exceed \$357,000 from Sewer Fund 41509, CIP-46-187.0, Environmental Monitoring and Technical Services Laboratory, Phase I, for the purpose of funding Amendment No. 2 to the Agreement with Hellmuth, Obata & Kassabaum, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/15/2002, NR&C voted 4-0 to approve and direct staff to return to the Natural Resources and Culture Committee with a status report/update on cleanup of the Naval Training Center boat channel. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

On December 7, 1999 (R-292580) City Council authorized the City Manager to execute a contract with Hellmuth Obata, & Kassabaum (HOK) for design of a new EM&TS laboratory. On November 20, 2000 (R-294215) City Council authorized Amendment No. 1 to HOK's design contract based on site conditions and scope modifications (e.g., larger building due to user needs, regulatory testing requirement changes, and modifications to structural elements due to soil conditions). Construction on the laboratory began in December 2001, and is scheduled to be completed by November 2003. As stipulated in the Deed of Conveyance, MWWD must complete construction and occupy the EM&TS laboratory by January 2004.

The project site is located on the former Naval Training Center (NTC), and a portion of the site will be leased to San Diego State University (SDSU). Now that NTC has been conveyed to the City, conditions have been placed upon the project that must be addressed through design modifications.

Improvements to adjacent streets and utility infrastructure are required to bring the area into compliance with existing City codes. Recent changes in the size and location of the proposed Water Laboratory by SDSU require redesign of on-site parking, utilities, and landscaping. All costs associated with redesign and any contractor impacts resulting from SDSU changes will be reimbursed by SDSU as a requirement of their future lease agreement. Lastly, because the boat channel has not been transferred to the City, modification of the boat dock/esplanade construction documents are required.

Amending the design contract is critical to avoid costly delays by the contractor and to ensure MWWD meets its required date of occupancy. This action requests an amendment to HOK's

design contract for the following: redesign services resulting from SDSU facility improvements (\$100,000); modifying the boat dock (\$25,000) and esplanade/steam line documents (\$20,000); additional design related to Kincaid Road (\$35,000); continued construction administration by HOK during construction (\$145,000); and additional design service contingencies (\$32,000).

FISCAL IMPACT:

The total cost of this action is \$357,000, of which \$325,000 is for identified changes to the design contract and \$32,000 is for additional design service contingencies. The total cost of this contract, including the previous authorization of \$1,058,000, is \$1,415,000. Funds are available in Sewer Fund 41509, CIP 46-187.0, Environmental Monitoring & Technical Services Laboratory, Phase 1.

Mendes/Tulloch/CME

Aud. Cert. 2201150.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Amendment to the Agreement Between The City and Jehovah's Witnesses of San Diego.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1768)

Authorizing the City Manager to execute an amendment to the agreement with Jehovah's Witnesses, for use of Qualcomm Stadium.

CITY MANAGER SUPPORTING INFORMATION:

On November 4, 1997 the City and Jehovah's Witnesses of San Diego entered into an agreement, Document No. RR-289372, whereby the City gave the Jehovah's Witnesses of San Diego forty-four (44) days of use of the Stadium for their convention in exchange for construction work. This practice of exchanging construction projects for the use of the Stadium has occurred since 1986.

The current agreement expires on May 25, 2003 and the Jehovah's Witnesses will still have sixteen (16) days of free use remaining from the forty-four (44) days authorized under the agreement. Therefore it is proposed that the agreement be extended to allow the Jehovah's

Witnesses to use the sixteen (16) days. In addition, the City and Jehovah's Witnesses would like to undertake the project to recarpet the Club Level in exchange for an additional sixteen (16) days of free use of the Stadium. The benefits of this arrangement is that it will save the City expending the full amount of the project at one time plus the City will be saving approximately \$20,000 in labor costs since the Jehovah's Witnesses will be discounting the labor.

The proposed amendment is to extend the agreement until July 30, 2007. The Jehovah's Witnesses will continue to perform detailed cleaning of the Stadium and other miscellaneous projects. The Qualcomm Stadium Advisory Board at their June 6, 2002 meeting recommended approval of the amendment.

FISCAL IMPACT:

This will save the City the expenditure of \$160,000 in FY 2003 which will be used for Super Bowl related projects.

Herring/Wilson/SMS

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: FEMA Assistance to Firefighters Grant Award.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1737)

Authorizing the City Manager to accept and expend grant funds from the Federal Emergency Management Agency (FEMA), for acquisition of firefighting and communications equipment, contingent upon approval of the FY 2003 final budget;

Authorizing the City Manager to approve the expenditure of 30 percent matching funds (\$251,980) as required by this grant award, from San Diego Fire and Life Safety Services FY 2003 equipment outlay budget.

CITY MANAGER SUPPORTING INFORMATION:

San Diego Fire and Life Safety Services has been awarded a grant from the Federal Emergency Management Agency's Assistance to Firefighters program. The total cost of this approved

project is \$839,934. FEMA has awarded \$587,954 to San Diego Fire and Life Safety Services, contingent on the city's match of 30% of the project cost, or \$251,980. This grant is intended for the acquisition of 218 Motorola 800 MHz portable radios which will provide a portable radio for each firefighter assigned to a fire apparatus. These radios are designed to work with the self contained breathing apparatus voice amplification/portable radio integration devices which will enable each firefighter to communicate with incident command and the communications center. This equipment will bring San Diego Fire and Life Safety Services into compliance with OSHA regulation 1910.120.

FISCAL IMPACT:

The City will receive and expend \$587,954 in funding from the Federal Emergency Management Agency. The required match of \$251,980 will be provided from Fire and Life Safety Services' equipment outlay budget In Fiscal Year 2003. This expenditure is contingent upon approval of the FY03 final budget.

Uberuaga/Ghio/FW

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-106: Jacquelyn Littlefield Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1751)

Proclaiming June 12, 2002, to be "Jacquelyn Littlefield Day" in the City of San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-107: Monsignor Lloyd V. Bourgeois Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1794)

Proclaiming Sunday, June 30, 2002, to be "Monsignor Lloyd V. Bourgeois Day" in the City of San Diego.

SUPPORTING INFORMATION:

Monsignor Bourgeois was ordained in March 19, 1957, and has been a priest for over 45 years. He completed his seminary schooling at University of San Diego in 1957. His first assignment was with the San Diego Diocese and then with St. Theresa's in San Diego in 1957. He stayed there for two 2 years. The next 10½ years were spent in several desert communities outside of San Diego (Calexico, Ft. Yuma, Blythe, Indio and San Bernardino). During this time in the desert and throughout his years in San Diego, he became known as the "builder priest". He was responsible for building several churches, parish centers, rectories, and other facilities. Later, he returned to San Diego in 1969 to Holy Family Parish where he built a new church during his seven 7-year stay. His next assignment was St. Brigid's in Pacific Beach where he remained for another seven 7 years.

In February of 1984, he was assigned to San Rafael Parish in Rancho Bernardo, a parish in its infancy with just 580 families. His stay in San Rafael has seen tremendous growth for the parish where there are currently over 3,000 families. He planned and built several facilities in the parish including the parish center, the rectory and completion of the church. He has been very involved in helping the missions over the years building peoples awareness of the mission's activities all over the world and right in our backyard across the border. Under his leadership, San Rafael has been a leader among San Diego parishes in raising funds for missions. Therefore proclaiming June 30, 2002 as "Monsignor Lloyd V. Bourgeois Day" in recognition of his many outstanding contributions and service to the City of San Diego.

Maienschein

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-108: Miramar Road Traffic Signal Interconnect.

(Mira Mesa and University Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1672)

Amending the Fiscal Year 2002 budget by increasing in CIP-62-306.0, Miramar Road Traffic Signal Interconnect, by \$140,100;

Authorizing the City Auditor and Comptroller to accept and appropriate an additional \$140,100 of Congestion Mitigation and Air Quality Funds (Fund No. 38676) for design and construction of Miramar Road Traffic Signal Interconnect;

Authorizing the expenditure of additional funds of an amount not to exceed \$140,100 from CIP-62-306.0 for the Miramar Road Traffic Signal Interconnect, contingent upon receipt of a fully executed Congestion Mitigation and Air Quality Fund Program Supplement and provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to retain excess monies, if any, in CIP-62-306.0.

CITY MANAGER SUPPORTING INFORMATION:

Resolution number R-292198, adopted on September 27, 1999, authorized the City Manager to accept, appropriate, and expend \$425,000 of Congestion Mitigation and Air Quality Funds (Fund No. 38676) for the design and construction of the Miramar Road Traffic Signal Interconnect. The initial cost estimate for the project at the time of funding application was estimated to be \$425,000.

However, this initial cost estimate underestimated the linear footage of conduit and cable by approximately 15,000 feet (45%). After completing the detailed designs and construction estimates for the signal interconnect using the correct linear footage, the estimated total cost will be \$565,100.

Therefore, this action is to accept the revised Program Supplement and amend the previous resolution number R-292198 to increase the appropriated amount of Congestion Mitigation and Air Quality Funds from \$425,000 to \$565,100.

FISCAL IMPACT:

The total cost of this project is \$565,100 which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2201137.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Time Limit Parking on Catalina Boulevard.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1559)

Establishing a parking time limit of a four-hour unmetered time limit parking zone effective between the hours of 8:00 a.m. and 6:00 p.m., everyday, certain holidays excepted, on the east side of Catalina Boulevard, between Hill Street and Varona Street;

Authorizing the installation of the necessary signs and markings; the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes a four-hour unmetered time limit parking zone effective between 8:00 a.m. and 6:00 p.m., everyday, certain holidays excepted, on the east side of Catalina Boulevard, between Hill Street and Varona Street. Council approval is required, according to Municipal Code Section 86.04

This action has been initiated by the City Manager at the request of Council District 2. The frontage along this section of Catalina Boulevard is public property. A study was conducted on this segment of Catalina Boulevard during weekdays show low occupancy of the available on-street parking. However, the complaints received by Council District 2 state that the area is impacted by recreational vehicles, and other activities not compatible with the residential nature of the area. For those reasons, we recommend approval of this action.

FISCAL IMPACT:

Minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-110: Appointments and Reappointments to the Science and Technology Commission.

(See memorandum from Mayor Murphy dated 6/14/2002, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1795)

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Science and Technology Commission for terms indicated:

Reappointments:

<u>Name</u>	<u>Term Expires</u>
Martha G. Dennis, Chair	May 31, 2003
David F. Hale, Vice Chair	May 31, 2004
Steven P. Briggs	May 31, 2004
Jon Cohen	May 31, 2003
Scott Corlett	May 31, 2003
Douglas E. Gray	May 31, 2004
Thomas A. Dillon	May 31, 2003
Craig A. Irving	May 31, 2004
Vicki L. Marion	May 31, 2004
Susan Myrland	May 31, 2003
Carrie Stone	May 31, 2004

Appointments:

<u>Name</u>	<u>Term Expires</u>
Craig Andrews (replacing Irwin Mark Jacobs, whose term has expired)	May 31, 2004
Rear Admiral Tom S. Fellin (replacing Richard Jennings, whose term has expired)	May 31, 2003
Deborah Jean Luce (replacing David Robino, whose term has expired)	May 31, 2004
Alberto Mier y Teran	May 31, 2003

(replacing David Eccles,
whose term has expired)

Richard Polanco, Jr.
(replacing David Nichols,
whose term has expired)

May 31, 2004

Hui Cai
(replacing Steven Engle,
whose term has expired)

May 31, 2003

Julie Meier Wright
(replacing William Geppert,
whose term has expired)

May 31, 2004

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

**COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTIONS:**

ITEM-150: City Administration Building Fire Protection And Life Safety Improvement
Project.

(Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2002-1715 Cor. Copy)

Authorizing the City Manager to execute a phased-funded design build agreement
with A and D Construction, for the City Administration Building Fire Protection
and Life Safety Project;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed
\$998,000 from Capital Outlay Fund No. 30245 to CIP-37-900.0.

Authorizing the expenditure of an amount not to exceed \$998,000 from CIP-37-
900.0 for providing funds for Phase III of the above project.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 5/8/2002, RULES voted 5 to 0 to reaffirm the expenditure of the \$998,000 for Phase III and the City Manager will return to the Rules Committee in October 2002 with a financing plan for Phase IV as outlined in Attachment E to CMR-02-105 (Fire and Life Safety Improvements). (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

In 1988, the Mayor and City Council passed Ordinance Number 0-17172 requiring sprinkler retrofitting for high rise buildings. Specific exemptions were granted for hospitals, residential buildings and all government buildings except the City's (County, State, Port District, UCSD, and SDSU are all exempt). In May 2001, the Council extended the compliance deadline until 2004, and authorized the City Manager to enter into a phase funded contract (Phases II, III, and IV of the Fire Sprinkler and Life Safety Improvements). The Resolution also authorized the execution of the first portion of that contract.

A & D Construction was selected for this work and completed the Phase II Improvements. The Council deferred the action on the balance of the contract until the long range plans for CAB was reviewed in a comprehensive way. The Rules Committee reviewed City Managers Report CMR-02-105 on May 8, 2002 and recommended approval of the Phase III work.

Phase I was completed in 1999, and installed fire sprinklers on the 10th, 14th and 15th floors. In addition, a backflow valve, pump motor, piping, transfer switch, gaskets and drain lines were installed. Phase II was completed in September 2001, and installed the fire sprinkler system on the 11th floor, and performed tenant improvements.

Construction of Phase III (if approved) is anticipated to begin shortly after Council authorization. Work to be completed includes installation of the stand-pipes, fire sprinklers on the 13th floor and in the basement, occupancy sensors and electrical circuit reconfiguration on the 11th floor, related asbestos work, and architectural design of the ceiling and lighting for the main lobby, 12th floor, and all elevator lobbies.

Phase IV is unfunded at this time. The work will include completion of the fire sprinkler system (Floors 1, 2, 3, 4, 5, 6, 7, 8, 9 and 12); emergency back-up power system; fire alarm system; and the architectural improvements to the main lobby ceiling, 12th floor ceilings, and all the elevator lobby ceilings. In addition, all visual and audio fire alarm components necessary to comply with the American Disabilities Act will be installed. The cost for this phase of construction is estimated to be \$2,500,000. With completion of Phase IV, all fire protection improvements will be fully implemented.

FISCAL IMPACT:

The estimated project cost is \$4,333,867 of which \$835,867 has been expended. Phase III is estimated to cost \$998,000 and is available in CIP-37-900.0, City Administration Building Fire Protection and Life Safety Improvements Project, Capital Outlay Fund No. 30245. Phase IV is estimated to cost \$2,500,000 but is currently unfunded.

Loveland/Belock/AO

Aud. Cert. 2201179.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-200: Fiscal Year 2003 Tax Appropriations Limit.

(See City Manager Report CMR-02-143.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1740)

Establishing the following tax appropriations limit for the City of San Diego pursuant to California Government Code, Division 9, Title 1 (Sections 7900 et seq.):

Established for Fiscal Year 2001	\$548,766,362
Established for Fiscal Year 2002	\$603,258,862
Established for Fiscal Year 2003	\$684,004,095

Declaring that, pursuant to the requirements of Section 7910 of the California Government Code, the documentation upon which the tax appropriations limit herein established has been made available for public information and review at the office of the City Clerk since June 5, 2002.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-201: FY2002 Deappropriation of Fund 41500, Capital Improvement Project Funds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1678)

Authorizing the deappropriation of an amount not to exceed \$42,138,556 from

Fund No. 41500, Capital Improvement Projects.

CITY MANAGER SUPPORTING INFORMATION:

Fiscal Year 2002 deappropriations reflect refining previously approved budgets to meet actual Fiscal Year 2002 needs. Funds are not being expended this fiscal year and will be reappropriated in the future fiscal years to correspond with project schedules and meet requirements of bond funding.

FISCAL IMPACT:

Previously approved funds in 41500 will be reduced by \$42,138,556.

Mendes/Gardner/SL

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-202: Deappropriation of TransNet Commercial Paper.

(See City Manager Report CMR-02-144.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-1714)

Deappropriating an amount not to exceed \$26,916,925, designated for the 188 projects from TransNet Commercial Paper Fund 30306.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Personal Injury Claim of Jennifer Pette. City File # LX02-0705-0327.

(R-2002-1739)

Adopted as Resolution R-296628.

A Resolution approved by the City Council in Closed Session on Tuesday, June 4, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-not present; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$34,750 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Plaintiff Jennifer Pette. (Superior Court Case No. GIC781894, Jennifer Pette v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$19,750, made payable to Jennifer Pette and her attorney of record, Richard E. Grey;

Authorizing the City Auditor and Comptroller to issue additional checks in payment of medical treatment of Plaintiff Jennifer Pette over the next twenty-four months as authorized by the City Attorney. The total amount of these additional checks shall not exceed \$15,000.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Jennifer Pette against the City of San Diego, its agents and employees, as a result of an incident which occurred on March 25, 2001.

Lexin/Lopez/JE

Aud. Cert. 2201165.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "La Jolla Commons", T.M. 99-0762, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the northwesterly of I-805 and La Jolla Village Drive in the University Community Plan Area in Council District 1. Specifically, the City Engineer has caused the map to be

examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by

Rules Committee

Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	7/01/02	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	7/01/02	127	Council adopts propositions for ballot;
	Through	to	directs City Attorney to prepare
Monday	7/22/02	106	ordinances
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT